

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17-BK-3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

PROMESA

Title III

No. 17-BK-4780-LTS

(Jointly Administered)

**RESPONSE OF THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR
PUERTO RICO TO INFORMATIVE MOTION OF PV PROPERTIES, INC.**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19- BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Court Judge Laura Taylor Swain:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Puerto Rico Electric Power Authority (“PREPA”) pursuant to PROMESA section 315(b), files this response to the *Information Motion* (the “Informative Motion”) filed by PV Properties, Inc. (“PV Properties”) [ECF No. 24097], and respectfully states as follows:

1. Pursuant to the *Amended and Restated Order Establishing, Among Other Things, Procedures and Deadlines Concerning Objections to Confirmation and Discovery in Connection Therewith* [ECF No. 3305] (the “Confirmation Procedures Order”), the deadline for all parties to serve Production Requests² was April 14, 2023, and the deadline for all parties to serve Interrogatories was April 21, 2023. See Confirmation Procedures Order ¶¶ 15, 17.

2. On May 2, 2023—nearly two and a half weeks after the deadline to serve Production Requests, and nearly one and a half weeks after the deadline to serve Interrogatories—counsel for PV Properties served upon counsel for the Oversight Board its *Interrogatories and Request for Production of Documents* (the “PVP Properties Discovery Requests”).

3. The Informative Motion, also filed on May 2, 2023, purports to notify the Court that PV Properties “forwarded” the PV Properties Discovery Requests to counsel for the Oversight Board.

4. Pursuant to the Confirmation Procedures Order, PV Properties’ Discovery Requests are untimely, as they were served well past the relevant deadlines set forth in the Confirmation Procedures Order. The deadlines in the Confirmation Procedures Order were set by the Court to

² Capitalized terms not defined herein shall have the meanings ascribed to them in the Confirmation Procedures Order.

enable the parties to proceed to a hearing on confirmation of the Plan in July. It would be prejudicial to the Oversight Board if it were forced to respond to untimely Discovery Requests. Nor does PV Properties even provide an explanation for its untimeliness. Accordingly, the Oversight Board declines to respond to either the untimely Production Requests or the Interrogatories.

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Dated: May 3, 2023
New York, New York

Respectfully submitted,
/s/ Margaret A. Dale

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CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer
Hermann D. Bauer